

California State Athletic Commission

INITIAL STATEMENT OF REASONS

SUBJECT MATTER OF PROPOSED REGULATIONS: Various Regulatory Changes

SECTIONS AFFECTED:

Amend Sections: 214, 217, 240, 281, 283, 294, 298, 303, 322, 232, 337, 338, 339, 362, 363, 364, 381

Specific Purpose of each adoption, amendment or repeal:

The purpose of the proposed amendments is to clarify a variety of existing regulations including, the responsibilities of the promoter and the referee, the licensing requirements of the matchmaker, the health and safety of the athlete, and to comply with the national standards as outlined in Association of Boxing Commissions, Regulatory Guidelines and Rules modified July 27, 2005.

Factual Basis:

1. Amend Section 214. Business and Professions Code section 18712 requires a blood test for antibodies to the Hepatitis C virus. This proposed regulation amends Section 214 to comply with Business and Professions Code section 18712.
2. Amend Section 217. Existing regulation requires a matchmaker to pass a written examination administered by the commission on California laws and regulations relating to boxing and indicates that the examination may be waived if the applicant has a valid matchmaker license in another state or country and has not been subject to any disciplinary action. The Athletic Commission Program has not given an examination for many years and the examination was never validated. Therefore, the program needed to find an alternative. Under Section 219 the commission issues a temporary license to a promoter with the knowledge that after promoting one or two events under the supervision of the Executive Officer or his designee he must appear before the commission to discuss the events and his suitability for obtaining a permanent promoter license. Similarly, the commission proposes that a matchmaker be issued a temporary license with the knowledge that he will perform under the tutelage of an experienced matchmaker assigned by the Executive Officer or his designee and appear before the commission to discuss his matches and suitability for obtaining permanent matchmaker license. This proposed regulation will allow the commission the time to monitor and evaluate the performance of the matchmaker and provide consistency in the issuance of permanent licenses to those whose performance can have serious consequences on the health and safety of the

athletes. There is no training program available for matchmaker and therefore an apprenticeship is the only viable option.

3. Amend Section 240 (a). Existing regulation states that the promoter may not release the names of contestants to the media or otherwise publicize a contest unless a contract has been executed between the parties. Generally, the promoter and the athlete sign their contract at the weigh-in the day before the competition and in the presence of a Commission official which does not allow enough time for the promoter to publicize the event for consumer ticket purchase. This proposed regulation amends Section 240 (a) to allow the promoter to publicize the bouts and began ticket sales as soon as the Executive Officer or his designee approves them.
4. Amend Section 240 (b) (3). Existing regulation does not include martial arts in this section of grounds for denial of a promoter's request to hold a boxing contest. This proposed regulation amends Section 240 (b) (3) to include martial arts in compliance with Business and Professions Code, Section 18627. Effective December 28, 2005, the commission began to regulate mixed martial arts. The present language does not include this sport and makes current language unclear. This proposed amendment would provide clarity that this rule applies to both sports.
5. Add Section 240 (b)(4). Existing regulation does not include language that addresses grounds for denial of a promoter's request to hold an event when the promoter does not identify the potential contestants in a sufficient amount of time for the commission to evaluate the suitability of the proposed matches. This proposed regulation adds Section 240 (b)(4) stating that if the promoter does not timely identify the potential contestants so the commission has enough time to review the contestants suitability for competition as required by Sections 281 and 283, the promoter's request to hold the event may be denied. The proposed language is necessary for athlete health and safety. If the athletes are identified too close to the date of the event there will not be sufficient time to receive and evaluate their ring record and the results of their medical examinations.
6. Amend Section 281. Existing regulation does not include the specific indicators that the commission uses to evaluate the physical condition of the boxer. This proposed regulation adds Section 281 (a) to include the physical condition requirements used by the commission to evaluate the physical condition of the boxer. The indicators provide the commission with guidelines for determining if a contestant is physically able to compete.
 - A contestant under the age of 18 could be an indicator of inexperience that might put the athlete in danger of serious injury or death when matched with and older and more experienced athlete.
 - The actual age of a contestant could be an indication of loss of skills over the years and an inability to perform at a level of competition with younger athletes resulting in serious injury or death.

- The number of bouts a contestant has fought could be an indicator of the length of his career and/or the lack of opportunity for experience that could cause serious injury or death when matched with a more experienced contestant.
 - Similarly, the number of rounds fought could be an indicator of the contestant's length of career and whether or not the contestant is experienced enough to compete with a far more experienced contestant.
 - The number of hard fights is an indicator of the damage an athlete might have sustained in a fight. A hard fight is one in which the contestant's exchange extraordinary damaging blows, especially those that connect with the contestant's head, cause very serious cuts or swelling to the face or cause a knockdown. A record of hard fights helps the commission determine if an athlete might have physical or mental limitations that could result in serious injury or death if he continues to compete.
 - The number of identified injuries could be an indicator that the athlete has sustained physical or mental injuries that might impair his ability to compete and avoid serious injury or death.
 - The number of knockouts suffered by the athlete within the last 12 months, particularly those where the he lost consciousness could be an indicator that the athlete has sustained physical or mental injuries that might impair his ability to compete and avoid serious injury or death.
 - A contestant's period of inactivity in excess of 12 calendar months could be an indicator that the athlete is not a professional boxer who competes on a regular basis, but rather an athlete who competes sporadically for financial gain and may be less physically fit to compete and avoid serious injury or death.
 - A contestant's ring record for the previous twenty-four months provides the commission with an continuous evaluation tool regarding the number of injuries, knockouts or other information that monitors the performance of a contestant and may determine his ability to compete and avoid serious injury or death.
 - A contestant's weight, including evidence of fluctuations in weight, could be a clear indicator that the athlete is not physically fit to compete and avoid serious injury or death. Professional athletes generally maintain a weight or weight range to compete on a regular basis. An athlete's failure to maintain a weight range required by the sport can be an indicator of sporadic physical fitness that could jeopardize his safety.
7. Add Section 281(d). Existing regulation does not address licensing a boxer who is missing all or part of a limb. This proposed regulation adds Section 281(d) to address a boxer license applicant who is missing all or part of a limb because an athlete who is missing all or part of a limb cannot compete effectively or without the risk of serious injury or death.
 8. Amend proposed Section 283. Existing regulation is not clear regarding the requirements for evaluating an athlete's fitness prior to the competition. This proposed regulation amends Section 283 to comply with proposed language in Section 281. This codifies the method currently used to evaluate an applicant's fitness for licensure.

9. Amend proposed Section 283. Existing regulation does not require sufficient documentation from an applicant for a boxer's license for the commission to verify his record when evaluating his ability to perform. This proposed regulation amends Section 283 to clarify that the documentation submitted by the license applicant must be from a national registry for boxers or verifiable documentation of the applicant's competitive history in mixed martial arts. Federal law requires the use of the approved Association of Boxing Commission's (ABC) national registry for boxers. There is no similar organization for martial arts. However, a verified competitive history is necessary to prevent a suspended competitor from competing and to prevent mismatches which would endanger athlete health and safety.
10. Add new subsection 294 (b). Existing regulation does not require an oxygen tank be available at ringside. The addition to Section 294 provides language that requires an oxygen tank be at ringside for the immediate medical attention of an athlete who is injured in the ring during a fight. This regulation is specifically required in Nevada and the ABC refers to "appropriate resuscitation equipment at ringside at all times" because of the obvious health and safety factors with the immediate application of oxygen when needed.
11. Amend Section 298. Existing regulation does not include all the commonly used weight standards. This proposed regulation amends Section 298 to conform the weight classes to those established by the Association of Boxing Commissions, Regulatory Guidelines and Rules modified July 27, 2005. The additional weight classifications include two commonly used weight classifications that provide greater safety to the heavier weight contestants by limiting the weight spread between specified contestants.

Amend Section 303. Existing regulation is not specific with regard to drug testing of the contestants or the consequences of positive drug tests. This proposed regulation amends Section 303 to provide specific health and safety requirements regarding drug testing and the consequences for a positive drug test. The commission does not presently have adequate and clear rules to promote a drug free competitive environment. There is currently no mechanism to specify how the commission will enforce Rule 303 as it currently reads. This clarifies what the testing process will be and what substances will be tested for. With the recent regulation of mixed martial arts many athletes are now testing positive for various stimulants and illegal drugs. The list of drugs for testing is chosen from the prohibited substance list of the World Anti-Doping Agency (WADA) that is the international independent organization that oversees Olympic drug testing. The list is an International Standard identifying Substances and Methods prohibited in-competition, out-of-competition, and in particular sports.

12. Amend Section 322. Existing regulation does not specify how glove weight is determined. This proposed regulation amends Section 322 to clarify requirements for the determination of glove weight. Frequently there is sufficient disparity between the

contestant at weigh-in and the actual fight weight to result in a change in weight of gloves. However, the existing regulation does not address this situation. Improper glove weight usage could lead to serious injury or death.

13. Amend Section 323. Existing regulation does not conform to national standards for hand bandaging. This proposed regulation amends Section 323 to conform to the hand bandage requirements established by the Association of Boxing Commissions, Regulatory Guidelines and Rules modified July 27, 2005.
14. Amend Section 337. Existing regulation does not provide enough clarification for some of the fouls in boxing or the referee's responsibility for enforcing the rules regarding an intentional or accidental foul. This proposed regulation amends Section 337 to more clearly define types of fouls as follows:
 - Amend #2 – delete language that is considered a determination for a boxer who is down as described in Section 350 and is in compliance with industry standards as described in the ABC Regulatory Guidelines.
 - Amend #4 – delete the word excessive because any holding is considered a foul in compliance with industry standards as described in ABC Regulatory Guidelines.
 - Add New #16 - language that defines a foul committed during a referee directed break in action.
 - Delete Old #16 – language deleted because any holding is considered a foul in compliance with industry standards as described in ABC Regulatory Guidelines.
 - Add #21 – added language that specifies that stepping on an opponents feet is a foul because of the danger for the contestant who may incur serious injuries when the feet are immobilized.

Additionally, language is added to clarify that the referee shall determine whether the foul was intentional or accidental at the time of occurrence which is consistent with the industry standards.

15. Amend Section 338. Existing regulation is not written in a clear and concise manner regarding the referee's determination of intentional fouls or the consequences of intentional fouls. This proposed regulation amends Section 338 to clarify the types of determinations a referee may make regarding intentional fouls, including the deduction of points, disqualification of the contestant who intentionally fouled, or the stoppage of the bout. Additionally, the proposed language specifies the number of points that may be deducted for intentional fouls and the determination of the result of the bout when stopped because of an intentional foul. The language is consistent with industry standards and the ABC Regulatory Guidelines.
16. Amend Section 339. Existing regulation refers to the term "unintentional" foul. The Association of Boxing Commissions (ABC), Regulatory Guidelines and Rules modified July 27, 2005 refers to unintentional fouls as "accidental. Additionally, the

existing regulation is not written in a clear and concise manner regarding the referee's determination of unintentional fouls or the consequences of unintentional fouls. Proposed language considers the danger of head injuries with unintentional fouls and provides language to direct the referee in consultation with the ringside physician regarding the continuation of the bout. Additionally, language is added in order to determine the outcome of a bout that is stopped after accidental fouls have occurred. This proposed regulation amends Section 339 to comply with the universal terminology used by the ABC Regulatory Guidelines.

17. Amend Section 362. Existing regulation does not provide specific clarification for excessive coaching. This proposed regulation amends Section 362 to clarify the definition of excessive coaching from ringside. Excessive coaching such as yelling at the opponent and using abusive language results in disorderly conduct from the corner and is distracting for the contestants, the referee and the other ringside officials. Inappropriate coaching does not provide a suitable sporting atmosphere
18. Amend Section 363. Existing regulation does not provide specific clarification for the use of water or ice at ringside. The use of excessive water or loose ice to cool down a fighter or cleanse injuries can lead to dangerous footing for the contestants and the referee. Excessive splashing and throwing of water or ice left loose can be difficult to clean up in short amount of time between rounds. This proposed regulation amends Section 363 to clarify the use of water and ice in the corner.
19. Amend Section 364. Existing regulation incorrectly authorizes the manager to stop a bout. This proposed regulation amends Section 364 to correctly authorize the licensed chief second who supervises the athlete's corner to stop the bout and not the manager who generally does not work in the contestant's corner. The proposed regulation also amends Section 364 regarding the appropriate signal for stopping a bout. Throwing anything into the ring, including a towel, is considered interference with the bout and may be the cause of a contestant's disqualification. The proposed language is in compliance with the industry standards as described in the ABC Regulatory Guidelines.
20. Amend Section 381. Existing regulation does not define the term "Alternative Provisions". This regulatory proposal adds language that more clearly defines the alternative provisions provided to the commission by the Association of Boxing Commissioners who continually review all rules and guidelines of the sport and make changes to protect the health and safety of the contestants. The propose language also changes the term "Alternative" to "Alternate" in order to comply with the term used in Business & Professions Code, Section 18748.

Underlying Data:

Several proposed regulations are amended or added to conform with the Association of Boxing Commission's (ABC) Regulatory Guidelines and Rules modified July 27, 2005; the Nevada Administrative Code, Chapter 467, Unarmed,

NAC 467.417 Provision of emergency equipment; the World Anti-Doping Code, International Standard for Testing, Prohibited Substances List;

Business Impact:

This regulation will not have a significant adverse impact on businesses.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.